

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

To expedite prosecution, claim 48 has been amended such that it recites oligonucleotides and polynucleotides which are "completely complementary" to at least 30 contiguous nucleotides of a target polynucleotide. By this amendment, Applicants expressly do not disclaim equivalents of the invention which could include arrays comprising oligonucleotides and/or polynucleotides which are specifically hybridizable with at least 30 contiguous nucleotides of the recited target polynucleotides. Applicants do not concede to the Patent Office position; Applicants are amending the claims solely to obtain expeditious allowance of the instant application.

Applicants request entry of the amendments to claim 48, and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph. The amendments to the claims remove issues for appeal. Therefore, entry of the amendments is proper.

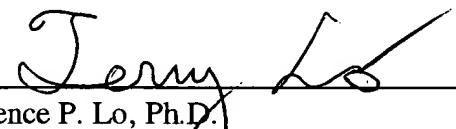
Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,  
INCYTE CORPORATION

Date: April 1, 2003

  
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Limited Recognition (37 C.F.R. § 10.9(b) ) attached  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 48 has been amended as follows:

48. (Twice Amended) An array comprising different nucleic acid molecules affixed in distinct physical locations on a solid substrate, wherein at least one of said nucleic acid molecules comprises a first oligonucleotide or polynucleotide sequence [specifically hybridizable with] completely complementary to at least 30 contiguous nucleotides of a target polynucleotide, and wherein said target polynucleotide is a polynucleotide of claim 12.

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